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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 10/633,977  | 08/04/2003  | Yoshiki Kuhara       | 12852-019001                | 5634             |
| 26211   | 7590        | 04/19/2006           | EXAMINER<br>DUPUIS, DEREK L |                  |
| FISH & RICHARDSON P.C.<br>P.O. BOX 1022<br>MINNEAPOLIS, MN 55440-1022 |             |                      | ART UNIT<br>2883            |                  |

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
|---------------------------------|-------------|---|---------------------|

10/633977

8/4/2003

Kuhara, Yoshiki

12852-019001

EXAMINER

Dupris, Derek

ART UNIT

PAPER

2883

20060412

DATE MAILED:

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Commissioner for Patents

## DETAILED ACTION

### *Response to Amendment*

1. The reply filed on 4/10/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

2. Amended claims 1, 3, 6, 7, 10, and 12 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the original claims were drawn to an optical module (Invention I). The amended claims are drawn to a method of making (Invention II) an optical module. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by another method. The product could be made by a different method, such as that taught by Nobuhara et al and Kato et al.

Since applicant has received an action on the merits for the originally presented invention (Invention I), this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1, 3, 6, 7, 10, and 12 are withdrawn from consideration as being currently directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claims 2 and 11 are currently cancelled. Claims 1, 3-10 and 12 are now withdrawn. Therefore, there are no claims pending in the case, thus making the amendment non-responsive.

3. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice,

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whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek L. Dupuis whose telephone number is (571) 272-3101. The examiner can normally be reached on Monday - Friday 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Derek L. Dupuis  
Group Art Unit 2883



Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800